

RESPONSE TO OFFICE ACTION
Atty. Docket No.: P0754

Serial No.:09/912,821
Filed: July 25, 2001

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REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. The foregoing amendments are responsive to the February 4, 2005 Final Office Action. Applicant respectfully requests entry of the above amendments and reconsideration of the application in view of the following comments.

Response to the Claim Rejections Under 35 U.S.C §§ 102 and 103

Claims 1, 3, 6 and 7 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,219,669 issued to Haff. The rejection asserts that Haff allegedly teaches each element of the claims. Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Haff in view of U.S. Patent No. 6,381,589 issued to Leon. The rejection asserts that the Haff allegedly teaches each element of the claims except for a USB connector, the USB connector connected to the local device such that the local device can receive files via the USB connector, which is allegedly taught by Leon. Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haff in view of U.S. Patent No. 6,198,920 issued to Doviak et al.. The rejection asserts that the Haff allegedly teaches each element of the claims except for means for issuing a warning signal in response to both the communications network being used and in response to the preset time, which is allegedly taught by Doviak.

The remaining claims are directed toward a system for transferring files to a remote host at a scheduled time. Claim 1 as amended requires the local device to communicate with the remote device only during a preset time window and requires the remote device to reject any communication from the local device until the preset time window. None of the cited art teaches or suggests having the remote device reject any communication prior to the preset time window. Haff merely suggests sending the files at a preset time. There is no teaching or suggestion in Haff that the remote reject any communication prior to the preset time window and only answer and accept the files during the preset time window. Support for this claim limitation is found in the specification on page 4, lines 11-18 where it is stated the remote device will not answer the phone line if it is not within the preset time window.

In view of the foregoing distinctions, Applicant respectfully submits that independent Claim 1 is patentably distinguished over the cited art. Applicant respectfully submits that Claim 1 is in condition for allowance, and Applicant respectfully requests allowance of Claim 1.

Claims 2-7 depend either directly or indirectly from independent Claim 1. Each dependent claim further defines independent Claim 1. In view of the foregoing remarks regarding Claim 1, Applicant respectfully submits that Claim 1 are likewise in condition for allowance. Applicants respectfully request allowance of dependent Claims 2-7.

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Summary

In view of the above amendments and remarks, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

No fee is believed due with this response. The Commissioner is hereby authorized to debit Applicant's Deposit Account (No. 50-2733) for any fees that are currently due. The Commissioner is also authorized to debit any fees due during the pendency of this application.

Respectfully submitted,

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